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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 27<sup>th</sup> July, 2020*

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**W.P.(C) 3946/2020**

ANUPAM & ORS.

..... Petitioner

Through: Mr. Akash Sinha, Mr. Shubham Saket, Ms. Kanika Roy, Mr. Indrajeet Singh and Mr. Gaurav Prakash Shah, Advocates.  
Mr. Shivankar Sharma, Advocate for Intervenor.

versus

UNIVERSITY OF DELHI THROUGH ITS REGISTRAR & ORS.

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate with Mr. Mohinder Rupal and Mr. Hardik Rupal, Advocates for R1/University of Delhi along with Mr. Sanjeev Singh, Joint Director, DUCC & Mr. Vinay Gupta, Dean (Examination)  
Mr. Dinesh Tyagi, CEO, CSC Academy.  
Mr. Apoorv Kurup, Ms. Nidhi Mittal & Ms. Upama Bhattacharjee, Advocates for UGC.  
Ms. Sunieta Ojha, CGSC for UOI.

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**AND**

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**W.P.(C) 4577/2020**

MANDEEP SINGH & ORS.

..... Petitioner

Through: Mr. Harpreet Singh Hora and Mr. Rakesh Mittal, Advocates.

versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Through: Mr. Sachin Datta, Senior Advocate  
with Mr. Mohinder Rupal and Mr.  
Hardik Rupal, Advocates for  
R1/University of Delhi.  
Mr. Avnish Singh, Sr. Panel Counsel  
for Respondent-3/UOI

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

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**27.07.2020**

1. This hearing has been held through video conferencing.

**W.P(C) 3946/2020 & CM APPLS. 14163/2020, 14164/2020, 14165/2020, 14172/2020**

2. Further to the previous order, Mr. Dinesh Tyagi, CEO of CSC Academy, Prof. Vinay Gupta, Dean of Examinations, University of Delhi (*hereinafter*, 'DU') and Mr. Sanjeev Singh, Joint Director, DUCC have appeared before the Court.

3. Prof. Gupta and Mr. Sanjeev Singh have confirmed that the measures as recorded in the previous orders shall be taken and have also updated the Court of the measures undertaken by DU for the conduct of the Open Book Examinations (*hereinafter*, 'OBE'). It is submitted by them that the question papers to all the students would be delivered on their e-mails in addition to being uploaded on the central portal. DU would also publish a consolidated list of persons in-charge of assisting the students, in each of the colleges along with their respective mobile numbers and e-mail IDs, where the answer sheet can be e-mailed in case the central portal is not accessible. In addition, the e-mail address provided on the previous date, as recorded in

order dated 7<sup>th</sup> July, 2020 would also be available for students to e-mail their answer sheets.

4. On a query from the Court as to the portal which has been used for running of the mock tests, which requires a massive capacity, it is submitted that:

- The portal belongs to the Delhi University. However, all the data would be located on a cloud server which has been obtained from a Ministry of Electronics & Information Technology (MEITY) empanelled vendor from the Government e-Marketplace (GeM) portal;
- The vendor from whom the cloud services are being obtained is Motherson Sumi Systems Pvt. Ltd., with whom an agreement was entered into in April, 2020. It is stated that Motherson Sumi has availed of the Cloud server from Amazon Web services.
- In so far as the answer sheets are concerned, the same can be uploaded either in .jpeg format or .pdf format.
- Grievances of students in respect of the portal if they are unable to upload answer sheets, would be evaluated by a four-member Committee consisting of academicians who will take 5 days to take a decision on each of the students' grievances, if any.
- Court has also been informed that there would be no masking of roll number and the name of the students in the answer sheets as it is impractical at this stage.
- The IT cell would be consisting of Mr. Sanjeev Singh and three other research students who would be helping him in the conduct of the

OBE.

- In so far as Common Service Centres (CSCs) are concerned, it is submitted that an agreement dated 17<sup>th</sup> June, 2020 was entered into with the CSC academy for providing the Centres to assist in the conduct of DU examinations.

5. Mr. Dinesh Tyagi, CEO of CSC Academy, on a query, has informed the Court that for the mock tests, no assistance was sought of the CSC centres by DU. He further submits that the CSC academy has not received any data as to the list of students or the location of students from where the CSCs are to be made available to them as of now.

6. On a query of the Court as to whether DU will be providing the said data to the CSC Academy, Prof. Gupta submits that it would not be possible to give the list of students who wish to avail of CSCs. However, the list of all the available CSCs have been uploaded on the website of DU. Students can directly approach the said CSCs.

7. Mr. Tyagi submits that there are three officials who have been identified, to be contacted by anyone who needs any clarification. He further states that instructions have been given to all the CSCs to keep the centres open during the time of examination.

8. Mr. Tyagi further submits that CSC e-Governance Pvt. Ltd. is a company under the MEITY and that he is the CEO of the said Company as also the Secretary of the CSC Academy which is a not-for-profit Society. He submits that during the lockdown, the Ministry of Home Affairs (MHA) has granted exemption for CSC centres to remain open, subject to the local administration's approval.

9. Mr. Shivankar Sharma, ld. counsel appearing for one of the

Intervenors who is from Dimapur, Nagaland submits that Dimapur is under a complete lockdown and therefore the CSC is not available there.

10. Mr. Apoorv Kurup, Id. counsel for UGC upon a query, informs the Court that the petitions challenging the UGC guidelines are now listed before the Supreme Court on 31<sup>st</sup> July, 2020.

11. List on 31<sup>st</sup> July, 2020 at the end of board. The date of 30<sup>th</sup> July, 2020 stands cancelled.

**W.P.(C) 4577/2020 & CM APPLs. 16525/2020, 16526/2020, 16527/2020**

12. The present petition has also been filed today seeking a prayer that the decisions of the High Powered Committee of DU be declared void and also seeking cancellation of the remote Open Book Examinations, as the said decisions were taken without consultation of the Academic Council and the Executive Council. Alternate prayers have also been made for grading of students as per composite 50% marks on the basis of the internal assessment and remaining 50% on the basis of previous semester's performance.

13. Issue notice to University of Delhi. Counter affidavit to be filed by DU and by Ministry of Human Resource Development (MHRD) by 30<sup>th</sup> July, 2020.

14. List on 31<sup>st</sup> July, 2020 at the end of board.

**PRATHIBA M. SINGH, J.**

**JULY 27, 2020**  
**MR/Rahul/A**